

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEN DIEFFENBACH and JENNIFER	:	No. 4:23cv1427
GAMMAGE, individually and on	:	
behalf of all other similarly situated,	:	(Judge Munley)
Plaintiffs	:	
	:	CLASS ACTION
v.	:	
	:	
	:	
UPGRADE, INC.,	:	
Defendant	:	

.....

ORDER

AND NOW, to wit, this 29th day of April 2025, in accordance with the accompanying memorandum, Defendant Upgrade, Inc.'s motion to dismiss and to compel arbitration (Doc. 6) is hereby **GRANTED**. To the extent Plaintiffs Ken Dieffenbach or Jennifer Gammage seek to assert claims set forth in the complaint, they must proceed to arbitration on an individual basis in accordance with the terms of the written arbitration agreements. Plaintiffs' complaint is **DISMISSED** and the Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Court